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Hon. Valerie Figueredo
Daniel Patrick Moynihan
United States Courthouse, S.D.N.Y.
500 Pearl Street, New York, NY 10007

Via ECF

Re: *Vinci Brands LLC v. Kate Spade LLC et al.* (1:23-cv-05138-LGS-VF) – Letter Motion to Seal

Dear Judge Figueredo:

Pursuant to Your Honor’s Individual Rule I(g)(2) and ECF No. 545 in Case No. 1:23-cv-05138-LGS-VF, Kate Spade LLC, Coach Services, Inc., and Tapestry, Inc. (together, “KSNY”) respectfully request Your Honor’s approval to seal narrow portions of the exhibits annexed to Vinci’s letter motion for redepositions at ECF No. 539 in Case No. 1:23-cv-05138-LGS-VF.

“It is beyond question that a court may issue orders prohibiting disclosure of documents or information.” *F.D.I.C. v. Ernst & Ernst*, 677 F.2d 230, 232 (2d Cir. 1982). “Documents may be sealed if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (citing *In re New York Times Co.*, 828 F.2d 110, 116 (2d Cir. 1948)); *see also* *See* ECF No. 161 at pp. 4-5 in Vinci Action, Case No. 1:23-cv-05138-LGS-VF and ECF No. 108 at pp. 4-5 in KSNY Action, Case No. 1:23-cv-05409-LGS-VF (“Sealing Order”).

As this Court previously held, examples of “higher values” that overcome the presumption of public access to court-filed documents include “the confidentiality of sensitive commercial information.” *See* Sealing Order, p. 2 (citing *Syntel Sterling Best Shores Mauritius Ltd. v. TriZetto Grp.*, No. 15 Civ. 211, 2021 WL 1541385, at *3 (S.D.N.Y. Apr. 20, 2021)).¹ The Court has permitted the sealed filing of the License Agreement (including its amendments), as well as “financial information such as licensing fees and the Siena loan amount, production timelines and information about manufacturers, suppliers or distributors.” *See* Sealing Order, pp. 4-5. KSNY seeks to seal the following information referenced in Vinci’s letter motion for redepositions at ECF No. 539 in Case No. 1:23-cv-05138-LGS-VF.

¹ *See also Mersen USAEP Corp. v. TDK Elecs. Inc.*, 594 F. Supp. 3d 570, 585-88 (S.D.N.Y. 2022) (sealing permitted where document contained purported confidential trade information that is subject of the litigation); *Pro. Sound Servs., Inc. v. Guzzi*, No. 02 CIV. 8428(DC), 2003 WL 22097500, at *1 (S.D.N.Y. Sept. 10, 2003), *aff’d*, 159 F. App’x 270 (2d Cir. 2005) (complaint filed under seal to keep customer names confidential).

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- KSNY seeks to seal the licensing fees referenced in Vinci's letter motion at ECF No. 539. KSNY's proposed redactions are contained in Exhibit 1 to this letter motion.
- KSNY seeks to seal information about KSNY's business partners referenced in ECF No. 539-1. KSNY's proposed redactions are contained in Exhibit 2 to this letter motion.
- KSNY seeks to seal the licensing fees and individuals' mobile phone numbers referenced in ECF No. 539-2. KSNY's proposed redactions are contained in Exhibit 3 to this letter motion.
 - The redactions in the highlighted version were already applied to the exhibit Vinci attached to its letter motion and permitted by the Court. *See* Vinci Action, ECF No. 468.
- KSNY seeks to seal individuals' mobile phone numbers referenced in ECF No. 539-3. KSNY's proposed redactions are contained in Exhibit 4 to this letter motion.
 - The redactions in the highlighted version were already applied to the exhibit Vinci attached to its letter motion and permitted by the Court. *See* Vinci Action, ECF No. 468.
- KSNY seeks to seal the licensing fees and individuals' mobile phone numbers referenced in ECF No. 539-6. KSNY's proposed redactions are contained in Exhibit 5 to this letter motion.
 - The redactions in the highlighted version were already applied to the exhibit Vinci attached to its letter motion and permitted by the Court following its in camera review. *See* Vinci Action, ECF No. 579.
- KSNY seeks to seal the contact information of KSNY's manufacturers, suppliers or distributors referenced in ECF No. 539-7. KSNY's proposed redactions are contained in Exhibit 6 to this letter motion.
- KSNY seeks to seal individuals' mobile phone numbers and references to KSNY's business partners in ECF No. 539-8. KSNY's proposed redactions are contained in Exhibit 7 to this letter motion.
 - The redactions in the highlighted version were already permitted by the Court. *See* Vinci Action, ECF No. 468.
- KSNY seeks to seal individuals' mobile phone numbers referenced in ECF No. 539-9. KSNY's proposed redactions are contained in Exhibit 8 to this letter motion.
- KSNY seeks to seal a reference to KSNY's business partner in ECF No. 539-10. KSNY's proposed redaction is contained in Exhibit 9 to this letter motion.
- KSNY seeks to seal individuals' mobile phone numbers and references to KSNY's business partners referenced in ECF No. 539-11. KSNY's proposed redactions are contained in Exhibit 10 to this letter motion.

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- The redaction in the highlighted version was applied to the exhibit Vinci attached to its letter motion. The Court did not permit this to be redacted following its in camera review of this thread and KSNY will be reproducing the document in this litigation without the redaction. *See* Vinci Action, ECF No. 579.
- KSNY seeks to seal the summary of the terms of KSNY's licensing agreement with Case-Mate referenced in ECF No. 539-12. KSNY's proposed redactions are contained in Exhibit 11 to this letter motion.

Redacted versions of the Exhibits have been filed with the unsealed version of this letter motion. Under seal versions have been filed with the under seal copy of this letter motion.

We thank the Court for its attention to this matter.

Respectfully Submitted,

/s/ Timothy R. Beyer

Timothy R. Beyer

